

**No. PD-0862-20**

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**IN THE COURT OF CRIMINAL APPEALS OF TEXAS  
AT AUSTIN**

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FILED  
COURT OF CRIMINAL APPEALS  
10/15/2020  
DEANA WILLIAMSON, CLERK

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ANTHONY RUFFINS, Appellant  
v.  
THE STATE OF TEXAS, Appellee

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**03-18-00540-CR**  
In the Third Court of Appeals  
Austin, Texas

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Appealed from the 207th Judicial District Court  
Cause No. CR2016-614  
Comal County, Texas

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**STATE'S MOTION TO EXCEED THE STANDARD WORD LIMIT FOR  
ITS PETITION**

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**Criminal District Attorney**

**By**  
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**Attorney for the State**

## **TO THE HONORABLE JUDGES OF SAID COURT:**

NOW COMES the State of Texas, Appellee/Petitioner in the above-styled and numbered cause, and respectfully moves this Honorable Court to accept the filing of its *Petition for Discretionary Review* slightly in excess of the standard word limit (at 5,254 words), and for good cause would show the following:

### **I. Motion to Exceed the Word Limit**

The legal issues in the instant case are complicated and require a comprehensive legal analysis, so much so that Justice Goodwin issued a detailed and fairly lengthy dissenting opinion regarding the issue on which the majority opinion reversed Appellant's conviction. The State's Petition proposes four issues for review, each of which would be a basis to reverse the majority opinion and requires adequate development of the State's argument. The State's ground for review involving the erroneously applied harm analysis requires a specific and detailed analysis of the entire jury charge, the state of the evidence, and the arguments of counsel. In several instances, the authorities cited by the majority opinion are distinguishable or inapposite and adequate explanation of such requires a thorough evaluation and explanation. Finally, one of the State's issues for review involves what appears to be a settled area of the law, however; the majority opinion has imposed a new evidentiary burden on the State and an analysis of the majority's

reasoning, the purpose of the accomplice-witness rule, and its application in various other jurisdictions is necessary to properly frame the issue for this Court.

The State has reviewed its Petition numerous times, and has managed to cut the word count down to 5,254 words, slightly above the typical 4,500-word limit. *See* Tex. R. App. P. 9.4(i)(2)(D). The State has already had to cut some authorities and citations to the record this Court might find useful, and would have to cut more citations—which might actually assist this Court’s review—if it has to further reduce the word count. Accordingly, the State respectfully requests that this Honorable Court accept the filing of its Petition—filed alongside the instant motion—over the standard word limit. *See* Tex. R. App. P. 2.

## **II. Prayer**

**WHEREFORE, PREMISES CONSIDERED,** the State respectfully prays that this Honorable Court allow the filing of its Petition over the standard word limit. In the alternative, the State respectfully requests that the Court designate whatever other word limit it deems reasonable, and likewise grant the State whatever extension of time from the current due date on October 14, 2020 this Court deems appropriate for the State to attempt to further reduce the word count. The State also prays for all other relief to which it may be entitled.

Respectfully submitted,

/s/ Jacqueline Hagan Doyer

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### **Certificate of Service**

I, Jacqueline Hagan Doyer, attorney for the State of Texas, Appellee, hereby certify that a true and correct copy of this *State's Motion to Exceed* has been delivered to Appellant ANTHONY RUFFINS's attorney of record in this matter, along with the State Prosecuting Attorney's office:

Karen Oprea  
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By electronically sending it through efile.txcourts.gov to the foregoing email addresses on this, the 14<sup>th</sup> day of October, 2020.

/s/ Jacqueline Hagan Doyer  
**Jacqueline Hagan Doyer**

### **Automated Certificate of eService**

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